

Appl. No. 09/575,277
Amdt. dated 11 February 2004
Reply to Office Communication of 14 January 2004

Remarks/Arguments


The applicant would like to thank the Examiner for her effort to contact the undersigned concerning the restriction/election requirement. In response to the Notice of Incomplete Response of 14 January 2004, applicant hereby provisionally elects the species of Invention Group IV directed to the use of naratriptan. Claims 27, 32, 43, and 44 are directed to the use of naratriptan.

The applicant respectfully submits that claim 19 is a generic claim in accordance with the Manual of Patent Examining Procedure § 806.04(d). "In general, a generic claim should include no material element additional to those recited in the species claims, and must comprehend within its confines the organization covered in each of the species. For the purpose of obtaining claims to more than one species in the same case, the generic claim cannot include limitations not present in each of the added species claims. Otherwise stated, the claims to the species which can be included in a case in addition to a single species must contain all the limitations of the generic claim." The remaining claims in Invention Group IV are species claims. Claim 19 does not include any additional limitations not found in any of the species claims. Therefore, the applicant respectfully submits that upon the allowance of generic claim 19, species claims 17 and 26, 27, 31, 32, 41-54 should be allowed. Furthermore, the applicant notes that in the Office Action of 21 March 2003, the Examiner indicated that claim 18 would be examined if Invention Group IV was elected.

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In view of the above, it is respectfully believed that all of the presently submitted claims are allowable and a Formal Notice of Allowance is courteously solicited.

Respectfully submitted,
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I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (783)872-9302 on: 11 February 2004


Signature

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